

Order

Michigan Supreme Court
Lansing, Michigan

July 25, 2011

Robert P. Young, Jr.,
Chief Justice

141174

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 141174
COA: 296850
Muskegon CC: 09-057368-FH;
09-057533-FH

JAMES EARL McCLENDON III,
Defendant-Appellant.

By order of April 5, 2011, the application for leave to appeal the April 19, 2010 order of the Court of Appeals was held in abeyance pending the decision in *Davis v United States*, cert gtd ___ US ___; 131 S Ct 502; 178 L Ed 2d 368 (2010). On order of the Court, the case having been decided on June 16, 2011, ___ US ___; 131 S Ct 2419; ___ L Ed 2d ___ (2011), the application is again considered, and it is DENIED, because we are not persuaded that the question presented should be reviewed by this Court.

ZAHRA, J., did not participate because he was on the Court of Appeals panel.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

July 25, 2011

Corbin R. Davis

Clerk